

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Matthew W. Bauer
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Attorneys for Plaintiff, Days Inns Worldwide, Inc.

<p>DAYS INNS WORLDWIDE, INC., a Delaware Corporation, f/k/a DAYS INNS OF AMERICA, INC.,</p> <p>Plaintiff,</p> <p>v.</p> <p>KRISHAN CORPORATION, a California Corporation; and PANKAJ K. PATEL, an individual,</p> <p>Defendants.</p>	<p>Civil Action No. 07cv4753(PKC)</p> <p>CERTIFICATION OF MATTHEW W. BAUER IN SUPPORT OF REQUEST FOR ENTRY OF DEFAULT PURSUANT TO FED. R. CIV. P. 55(a)</p>
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MATTHEW W. BAUER, of full age, hereby certifies and states:

1. I am an attorney-at-law of the State of New York and a partner in the law firm of Connell Foley LLP, attorneys for plaintiff, Days Inns Worldwide, Inc. ("DIW"), in the above-captioned matter. As such, I have personal knowledge of the facts contained herein.

2. I make this certification in support of DIW's application for the entry of default against defendants, Krishan Corporation and Pankaj K. Patel, pursuant to Federal Rule of Civil Procedure 55(a).

3. The summons and a copy of the complaint in this action were served upon Krishan Corporation on July 16, 2007 at 9585 Velvet Leaf Circle, San Ramon, California, as appears from the Return of Service filed with the Court.

4. The summons and a copy of the complaint in this action were served upon Pankaj K. Patel on July 16, 2007 at 9585 Velvet Leaf Circle, San Ramon, California, as appears from the Return of Service filed with the Court.

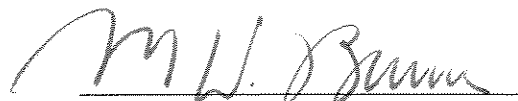
5. The time in which defendants, Krishan Corporation and Pankaj K. Patel, may answer or otherwise respond to the aforementioned Complaint has expired and has not been extended or enlarged by the Court, and defendants, Krishan Corporation and Pankaj K. Patel, have not answered or otherwise moved.

6. Pursuant to Local Civil Rule 55.1, defendant, Krishan Corporation, a corporation, is a legal entity, and therefore, cannot be in the military service of the United States.

7. On September 19, 2007, the Defense Manpower Data Center verified that defendant, Pankaj K. Patel, is not in the military service of the United States, pursuant to Local Civil Rule 55.1. (A copy of the report of the Defense Manpower Data Center is attached hereto as Exhibit A.)

8. Accordingly, this request is being made for the entry of default against defendants, Krishan Corporation and Pankaj K. Patel, in the above-captioned matter.

I certify under penalty of perjury that the foregoing is true and correct.


Matthew W. Bauer

Executed on: September 20, 2007
Roseland, New Jersey

**TO: CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK.**

YOU WILL PLEASE ENTER the default of the defendants, Krishan Corporation and Pankaj K. Patel, for failure to plead or otherwise defend as provided by the Federal Rules of Civil Procedure.

CONNELL FOLEY LLP
Attorneys for Plaintiff,
Days Inns Worldwide, Inc.

By: 
Matthew W. Bauer

Dated: September 20, 2007

EXHIBIT A

Department of Defense Manpower Data Center

SEP-19-2007 12:11:01



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
PATEL	Pankaj K.	Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

Mary M. Snavelly-Dixon

Mary M. Snavelly-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided

by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: NWRFFYXNQN